

ADOPTED



September 15, 1988

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY
AND STEPHEN COYLE, DIRECTOR

FROM: LINDA BOURQUE, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
MARGUERITE HILDEBRAND, SECRETARY TO THE
ZONING COMMISSION

SUBJECT: RECOMMENDATION OF APPROVAL OF PETITION BY CHAIRMAN
OF ZONING COMMISSION FOR MINOR CORRECTIONS AND
CLARIFICATIONS IN VARIOUS SECTIONS OF THE ZONING
CODE

EXECUTIVE SUMMARY: Recommend approval of petition by Chairman
of Zoning Commission for amendment to make
minor corrections and clarifications in
various sections of the Zoning Code.

In preparation for the printing of amended and new pages for the Zoning Code incorporating the amendments of the past several years, the Chairman of the Zoning Commission has submitted a petition for an amendment to correct a number of minor errors, mostly of omission, and to make a few minor revisions and additions for the purposes of clarification. Although the proposed changes are not substantive, the City Law Department counsel to the Commission advised that they must be acted upon by the Commission through the amendment procedure.

A copy of the petition with inserted annotations explaining each item is attached.

Following is an appropriate vote.

VOTED: That in reference to Text Amendment Application No. 142, by the Chairman of the Zoning Commission, for minor corrections and clarifications in various sections of the Zoning Code, the Boston Redevelopment Authority recommends approval.

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Chairman of the Zoning Commission hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 655 of the Acts of 1956 as amended, as follows:

1. By inserting, in the definition of "Building Commissioner" in clause (8) of Section 2-1, between the words "the Building Commissioner" and the words "of the City" the following:

, or successor, including but not limited to the Commissioner of Inspectional Services,

[The current title has been used in recent amendments. However, because the title "Building Commissioner" is used in the Enabling Act, the City Law Department advises not to change that title where it has stood in the code, but instead to amend its definition to cover the new title and to insert a cross reference under the new title.]

2. By inserting, after clause (24) in Section 2-1, the following:

(24A) "Inspectional Services, or Inspectional Services Department, Commissioner of": See clause (8).

3. By inserting in Section 3-1, in the list of subdistricts under the subheading "(b) Business Districts", between "B-6-90b" and "B-8-120a", the following subdistrict:

B-8-55

[This designation was inadvertently omitted from the listing in Text Amendment No. 77 of subdistricts occurring in the North End which would get the 55-foot height limit. The related map amendment added the 55-foot limit to all subdistricts within the stated North End boundaries. The B-8-55 is within those boundaries, between the center line of Cross Street and the western boundary of the Central Artery right of way, between North Street and an extension of Clinton Street.]

4. By inserting in Section 3-1, directly under the subheading "(d) Open Space Districts", the following:

OS Open Space

[Text Amendment No. 101 specified only the subheading, without the district designation to correspond to the entries under the other subheadings; Text Amendment No. 102 added Open Space

subdistrict designations. Without the proposed correction, the listing does not recognize the possibility of an OS designation without a specific subdistrict designation.]

5. By deleting the first sentence of the last paragraph of Section 3-1, as inserted by Text Amendment No. 101 and reading, "The locations and designations of open space districts shall be shown on a series of supplemental maps entitled 'Zoning Districts City of Boston - Supplemental Map - Open Space Districts', which shall be made a part of this code in accordance with the provisions of the foregoing paragraph," and substituting therefor the following sentence:

The locations of open space districts shall be identified and designated by map or text amendment of this code.

[Because of the difficulty of researching and determining the exact boundaries of some publicly owned open spaces, including some old established parks, it may not be feasible to map with full accuracy all open space districts as they are designated. The proposed revision allows for the possibility either of a map amendment, as was done for the Boston Common, Public Garden, and Esplanade, or of direct designation through clear identification, by address or other locational information, in the text of the code, as was done for the designations of a number of BRA-owned parks in Text Amendment No. 102.]

6. By deleting, in Section 3-1A, entitled "Special Purpose Overlay Districts," in the first paragraph, all the words beginning "(c) adult entertainment district" through the words "parking districts" and substituting therefor the following words:

(c) restricted and limited parking districts; (d) adult entertainment district (distinguished by the addition of the letter "E" to the designation of the subdistrict or subdistricts);

[The only change is correction of the discrepancy between this introductory paragraph and the order and lettering of the explanatory paragraphs following.]

7. By deleting, in said first paragraph of Section 3-1A, the words "or small circle", after the words "(g) restricted roof structure district (distinguished by the addition of an asterisk".

[The restricted roof structure districts are being indicated by the asterisk, not a small circle.]

8. By inserting, in Section 8-7, in Use Item No. 27, respecting open space, after the letter "A" as it occurs in each of the columns headed "S", "R", "H", "L", and "B", the symbol

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with the following footnote:

*Subject to St. 1956, c. 665, s. 2, as amended.

[This footnote, referring to the Enabling Act's requirement of a Special Order from the Zoning Commission before land in a district permitting dwellings can be used for a municipal purpose, had been included for the prior Use Item No. 27, which covered both "public park or playground" and "public recreation building." When this Use Item was divided, in the Open Space amendment, into No. 27, for open space, and 27A, for an open space accessory building, the footnote was erroneously omitted from No. 27.]

9. By deleting, in Section 8-7, in the description of Use Item No. 27A, the symbol "*" after the letter "C" in the columns headed "M", "I", and "W" and also after the letter "C" in the sentence beginning "In an OS district, such structure is C* . . ."

[The related footnote, referring to the Special Order requirement, is not applicable in industrial or open space districts, since in those districts dwellings are not allowed.]

10. By inserting, in "Table B: Dimensional Regulations" of Section 13-1, in the column headed "HEIGHT OF BUILDING/maximum/stories feet", and following the word "none" the second time it appears in this column on the line starting "Any dwelling" as inserted by Text Amendment No. 94 beside the designation "M-2", the following footnote reference:

(15)

[Footnote (15) is: "Except in a district designated with two numerical parts, in which case the second number is the maximum height in feet. See Section 3-1A(i)." The reference had been inserted for the M-2 district when it read "Any use", but by oversight was not repeated in the new line for "Any dwelling" when the latter was inserted for all the industrial districts.]

Petitioner:

Richard B. Fowler, Chairman
Zoning Commission of the City
of Boston

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